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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 BRENDAN DUNCKLEY,

10 Petitioner,

11 vs.

12 ROBERT LEGRAND, et al.,

13 Respondents.
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Case No. 3:13-cv-00393-RCJ-VPC

ORDER

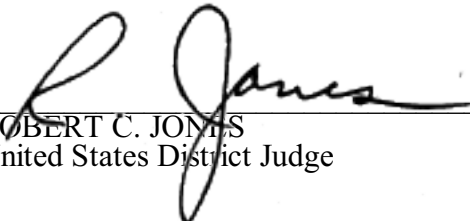
15 The court determined that petitioner had not exhausted all of his grounds for relief in state
16 court. Order (ECF No. 31). Before the court are petitioner's motion for stay and abeyance (ECF
17 No. 32), respondents' opposition (ECF No. 33), and petitioner's reply (ECF No. 34). Petitioner
18 must show that he has "good cause for his failure to exhaust, his unexhausted claims are potentially
19 meritorious, and there is no indication that the petitioner engaged in intentionally dilatory litigation
20 tactics." Rhines v. Weber, 544 U.S. 269, 278 (2005). The court finds that petitioner has met this
21 standard, and the court grants petitioner's motion.

22 IT IS THEREFORE ORDERED that petitioner's motion for stay and abeyance (ECF No.
23 32) is **GRANTED**.

24 IT IS FURTHER ORDERED that this action is **STAYED** pending exhaustion of the
25 unexhausted claims. Petitioner shall return to this court with a motion to reopen within forty-five
26 (45) days of issuance of the remittitur by the Nevada Supreme Court at the conclusion of the state
27 court proceedings. Further, petitioner or respondents otherwise may move to reopen the action and
28 seek any relief appropriate under the circumstances.

1 IT FURTHER IS ORDERED that the clerk of court shall administratively close this action
2 until such time as the court grants a motion to reopen the action.

3 Dated: September 22, 2016.

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6 ROBERT C. JONES
United States District Judge
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